

Filed 2/14/14 by Clerk of Supreme Court

**IN THE SUPREME COURT
STATE OF NORTH DAKOTA**

2014 ND 36

Reginald E. Tweed,

Petitioner and Appellant

v.

State of North Dakota,

Respondent and Appellee

No. 20130246

Appeal from the District Court of Cass County, East Central Judicial District,
the Honorable Frank L. Racek, Judge.

AFFIRMED.

Per Curiam.

Reginald E. Tweed, self-represented, P.O. Box 5521, Bismarck, N.D. 58506-
5521, petitioner and appellant; submitted on brief.

Reid A. Brady, Assistant State's Attorney and Cherie L. Clark, Assistant
State's Attorney, P.O. Box 2806, Fargo, N.D. 58108-2806, for respondent and
appellee; submitted on brief.

Tweed v. State

No. 20130246

Per Curiam.

[¶1] Reginald Tweed appealed from a district court order denying his application for post-conviction relief from his murder conviction.

[¶2] Tweed's murder conviction and the denial of his first application for post-conviction relief were affirmed. See State v. Tweed, 491 N.W.2d 412 (N.D. 1992); Tweed v. State, 2010 ND 38, 779 N.W.2d 667. After remand for an evidentiary hearing on his second application for post-conviction relief, see Tweed v. State, 2011 ND 228, 807 N.W.2d 599, the district court found Tweed failed to demonstrate he was prejudiced by any claimed ineffective assistance of his first post-conviction counsel. Tweed argues the district court erred in concluding he failed to prove prejudice resulting from his post-conviction counsel's alleged deficient performance. We affirm under N.D.R.App.P. 35.1(a)(2).

[¶3] Gerald W. VandeWalle, C.J.
Dale V. Sandstrom
Daniel J. Crothers
Carol Ronning Kapsner
Gail Hagerty, D.J.

[¶4] The Honorable Gail Hagerty, D.J., sitting in place of McEvers, J., disqualified.